[Continued from the first page.]

love the Union. They have felt its blessings and desire to secure them to themselves and posterity. They will have no other standard to wave in the breezes of the Pacific on their coast but the standard of their fathers—the stars and stripes of their country. Would to God that this feeling prevailed with equal intensity at the centre of the republic as it prevails at its distant extremity! While they wish to come in, there are those who wish to go out. It is consoling to find that the patriotic arder of our countrymen does not recede from the older portions of the republic. I repeat, they come here, not as revolutionists, but as an integral part of our great community, asking admittance into the confederacy.

Mr. KING, (in his seat.) Who is it that prevents them? Mr. CASS. The Senator from Alabama inquires who it is that has prevented them from having a governme answer it is the Congress of the United States; and in saying this 1 take the blame myself, as one of its members.

Mr. DOWNS. The Wilmot proviso prevents them.

Mr. CASS. I am speaking of the cause of our neglect. The Wilmot previso is another thing. I am not examining what differences of opinion may have prevented our action. am speaking of our neglect, and of its effect upon the peop of California, and of their justification in forming a State Government. What has the Wilmot proviso, or any other difference of opinion here, to do with them? They would still have remained without a government had they not taken their own cause into their own hands, and done for themselves what we ought to have done for them. Are they to be deprived of social organization, and of all the elements of social order, may add of existence, and to be treated by us with contumely and mockery, under the pretence that we can do nothing for them, because some one thinks proper to introduce the Wilmot proviso into our legislative proceedings? Mr. DOWNS. Does not the gentleman know that that i

Mr. CASS. To be sure; gentlemen would not have voted for a Territorial Government clogged with the Wilmot proviso. I would not do it myself. But the great fact still remains. It is our fault they have no government. It is not theirs; and it is because that question has divided you, and prevented you from doing your duty, that they appear here to-day and ask justice at your hands.

FOOTE. Will the Senator bear with me? Mr. CASS. With pleasure.

Mr. FOOTE. I presume the Senstor does not wish to do injustice to any one; but he knows well that what may properly be called the Walker amendment was prevented from being adopted, according to his own account, by the Senator

Mr. CASS. If any gentleman supposes that I had the slightest idea of casting censure upon one human being, he is utterly mistaken; such a sentiment never occurred to me.
was speaking of the Congress of the United States; and o the duties they had to perform and had neglected to perform, and did not intend to reflect the slightest censure upon any gen tleman north, south, east, or west, much less to arraign their motives. I was speaking of the relation which existed between this Government and the people of California, which has justified, in my opinion, the course they have taken.

Mr. BUTLER. Will the honorable Senator allow me

ask him a question?

Mr. CASS. Certainly,

Mr. BUTLER. Do I understand the honorable Senator

now to say that it was the duty of Congress to have provided a competent Government for these Territories?

Mr. CASS. There are two positions I have always main tained with reference to this subject. First, that Congress under the constitution has no right to establish Governments for the Territories; secondly, that under no circumstances have they the right to pass any law to regulate the internaaffairs of the people inhabiting them. The first may be a matter of necessity; and when the necessity exists, if Senator votes for it, he votes upon his own responsibility to his constituents. If they believe the necessity and support him, he is safe, but if not he must fall. If I had voted under such circumstances, I must have looked to my constituents for my justification; but under no circumstances could I have any law interfering with the internal concerns of the people of a Territory. No necessity requires it. There is no necessity which would justify it.

Mr. CHASE. Will the Senator allow me to ask him Mr. CASS. Certainly ; I stand ready to be catechised all day on this subject, it Senators desire it.

Mr. CHASE. Did I understand the Senator as saving that in voting for a bill to establish a government in the terri tories he would assume the exercise of any authorty not given

Mr. CASS. The honorable Senator will undoubtedly recollect that in a historical document called the Nicholson letter, which subsequent circumstances have made somewhat important, I distinctly stated my views upon this subject, and those views have remained unchanged to the present hour. I maintained that no power is given by the constitution to establish territorial governments, but that where an imperious necessity exists for such a measure, the legislator who yields to it mu look to his constituents for his justification.

Mr. CHASE. I understood the Senator to say that ther was no such authority given by the constitution

Mr. CASS. I said that if we do an act not authorized by the constitution, under a pressure of necessity, that act must be done upon our own responsibility; and I refer ntleman to the authority of Mr. Madison, who it tified the action of the Congress of the Confederation on the subject of territories upon this ground, and upon this alone. If the gentleman will take the trouble to look at my speech on the Wilmot proviso, he will find my views on this point distinctly laid down. What is the objection in principle to the admission of California? Allow me to say that great political rights and movements, in this age of the world, are not to be determined by mere abstract or speculative opinions. There is no want of heavy books in the world thich treat of political science; but you need not go to them to ascertain the rights of men, either individuals or in commu nities : if you do you will lose yourself groping in a labyrinth and where no man can follow you. If there are rights of sovereignty, there may be wrongs of sovereignty, and this truth should be held in everlasting remembrance. And this is the case with regard to California. We have rights and we have duties, and if the former are sacred, the latter should be sacred One of these duties we have neglected to perform, and we are told by gentlemen who have spoken here, that when a State wishes admission into the Union she should come to the door of Congress and knock for admission. California has thus come, and knocked. But no door is opened to her, and she is to be told, Go back and wait till we are ready. There is but one door through which you can enter, and that door we keep shut. You must pass through a territorial government, but that government we have neglected to give you, and we are probably as far from establishing it as ever. And such is the paternal regard we manifest towards one hundred thousand American citizens, who are upholding the flag of our country on the distant shores of the Pacific. od dead has been said about precedents—I am not going examine either their application or authority, though it has been pretty clearly shown by others, that they fully justify

Great political measures must be judged by themselves When new and imposing circumstances dictate an unusual course, they furnish the justification for action, and the furnish also a precedent for future precedings; and whether such cases as this are to be found in our legislative history, our duty is still the same. That duty imperiously requires the admission of California into our Union. She comer and asks admission; not, as the honorable Senator from Illinois says, in language of equal force and beauty, not to reject your sovereignty, but because her citizens love their native country, know the value of our institutions, and desire to become bone of our bone and flesh of our flesh. They come, I repeat, not as revolutionists, but as petitioners, ask-ing the greatest favor we can bestow upon them. The distinguished Senator from South Carolina has objected that w can only admit a State into our Confederacy, and that California is not a State. Well, sir, in my opinion it is a State, and as truly so as any existing under the sun. The honorable Senator from Maine asked the very emphatic question, What constitutes a State ? And his answer will find a re sponsive cord in the heart of every American. He said, with truth, that it is men who make a St. that it is men who make a State. They do, sir. It is not land, nor trees, nor gold mines; but it is men, by whom and for whom States are constituted and maintained. sir, any other doctrine would carry us back to the worst portion of the middle ages, when Governments were instituted for the protection of the few, and men without property were mer without rights. Doctor Franklin, with his native good sense, and, I may add, his native good humor, rebuked this principle of legislation in a manner far more significantly could have been done by the most labored argument. He said that a certain amount of property is necessary to entitle a man to vote. He possesses a jackass to-day of the requijackass dies, and he loses it. To whom does the right To the man or the jackass?

[Here Mr. BUTLER said something in a tone inaudible t the Reporter, to which Mr. Cass replied, I go for the man,

and not for the jackass.] But, Mr. President, there are other considerations which seem to me forcibly to urge the admission of California. The Senator from Illinois truly said, that the pride of opinion is strong in the human breast, and that it belongs as well to communities as individuals. The Wilmot proviso is offensive, justly off nsive to the Southern section of the Conff nsive independently of its practical consequences. It is considered an arbitrary assumption of power, and is therefore resis ed, agreeably to the established laws of

it was desirable.

Mr. CASS. I do not desire to exchange words upon this point, and have not the slightest disposition to provoke debate upon it. In order to satisfy the Senator from Louisiana, I racy in the progress of public affairs. will read the Senator's own words :

"The North has only to will it to accomplish it; to do just "The North has only to will it to accomplish it; to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing her stipulations relative to fugitive slaves to be faithfully tulfilled; to cease the agitation of the slave question, and to provide for the insertion of a provision in the constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision, one that will protect the South, and which at the same time will improve and strengthen the Government instead of impairing and weakening it. But will the North agree to do this? It is for her to answer this question. But I will say she cannot refuse, if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the has hall the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union rests on the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice and to perform her duties under the constitution should be regarded by her as a sacrifice. It is time, Senators, that there should be an open and manly avowal on all sides as to what is intended to be done. If the question is not now settled it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a dis-

I have not another word to say, Mr. President. If these remarks do not justify the conclusion I have drawn from them I comot know what can.

Mr. DOWNS. Do I understand the Senator as saying

Mr. DOWNS. Do I understand the Senator as saying that he understood the Senator from South Carolina as asserting that the amendment should be made now?

Mr. CASS. The Senator from South Carolina, in the explanation he gave us, said he did not require it to be done ow, but that it was indespensable that it should be done. Am I not right?

Mr. FOOTE. The Senator from South Carolina said, I elieve, that it would be indispensable ultimately. That, I nink, was the word he used.

Mr. BUTLER. I know it may be expected that I should

be able to indicate what are the precise opinions of my col-lesgue; but I have in reality no more knowledge of his views for themselves and for their posterity. There has generally than is or may be in the possession of any Senator, but I did been a sound public opinion existing in our country. understand him distinctly to say, so far as I can infer from dom and patriotism are found in both House of Country. understand him distinctly to say, so far as I can infer from other sources, I believe it is his opinion that when the Northern States shall have acquired such a predominating influence in the councils of the nation that there shall be no security for the South against their abuse of power, that then there should be inserted in the constitution some provision by which the minority shall have it in their power to avoid becoming a despised and degraded minority. Sir, that is his idea. And I will say in this connexion, and I endorse his view to this average that the purse, whose decisions are received with confidure and obeyed with alacrity, from one end of this broad republic to obeyed with alacrity, from one end of this broad republic to extent, that I do not see that we have any security in the the other. It is an oasis in the desert of politics, a green forbearance of a Northern majority. I am free to say that I do not feel security from that source; because when I hear one gentleman say that he holds to one part of the constitution the constitution are the constitution to the constitution that source is because when I hear one gentleman say that he holds to one part of the constitution the constitution that source is a tribunal of which we may all be proud. There is none higher upon the face of the earth. By their ability, their dignity, their impartiality, their and disregards another, according to his conscience, and others came in and say that they will break it down so far as they understand its provisions, what security have we for the preservation of our rights, unless we have something to rely upon by way of a veto?

My colleague has not intimated that the Union may not continue for many years to come. But what sort of Union sit by which we are bound together, when the elements of strife are introduced here every day? He has always adhered to the Union, and he wishes to restore to it the elements of its | One prosperity, by producing harmony and conciliation; and they are attained by the North doing justice and conceding to the South an equal right in the acquired territory, by complying with the requisitions of the constitution in relation to the de-livery of fugitive slaves, and by ceasing the agitation of the

slave question, and by providing for the insertion of some provision in the constitution which will give to the South some security that her rights will be respected.

Mr. DOWNS. With the permission of the honorable SenatorI will state that I believe it was not understood, without going minutely into the views expressed by the Senator from ern members of this body generally in the sense in which the honorable Senator from Michigan understood him. I certainly did not so understand him, and I am not aware that

Mr. FOOTE I understand now form the explanation that has been given by the colleague of the honorable Senator rom South Carolina that it is the opinion of both these gen tlemen that an amendment to the constitution is indispens ble. Does the Senator from Louisiana doubt that such is their

Mr. DOWNS. I did not so understand the gentleman. Mr. FOOTE. The Senator from South Carolina said there hould be such a provision in the constitution as would amount to a veto power in favor of the minority.

Mr. CASS. Gentlemen will remember that my time is

Mr. DOWNS. I trust the Senator will allow me to finish the sentence that I have commenced. Without going into a minute analysis of the speech of the honorable Senator from South Carolina, I say now that I did not put the construction upon it which is put by the honorable Senator from Michigan. elieve that Southern Senators generally did not. Mr. BORLAND. As one Southern Senator I will say hat I did not.

Mr. DOWNS. I know of none that did.

Mr. RUSK. Will the honorable Senator from Michigan allow me simply to say that I hope the Senator from Louisiana will not make a construction or assume to speak for the entire South. We are all here. I do not choose that the Senator shall make a construction for me; that I can do for myself. I do not choose to enter upon that matter now. I have not investigated the subject. But I hope the Senator will not assume to speak for the whole South.

Mr. DOWNS. I do not intend to speak for any body but myself; but, so far as I know or have heard, the view that I ave stated is that taken by the whole South. Mr. FOOTE. I hope the Senator from Michigan will permit me to add a single word. I know that the construcion which I placed upon the honorable Senator's remarks is

he construction that was given to it by nearly all the Southern members of this body. I could give their names, if necessary. I have said so before, and my word is not to be disnted by any body.

Mr. DOWNS I did not dispute the assertion of the honprable Senator; but I have a right to speak for myself. I have not conversed with the Senator from Texas, nor with any other Senator in regard to it. I do not make it a business to do so; but I hear what Senators say to me, and I now say again that the Senator from Mississippi, up to this time, is

the first Senator who has put the construction that is now contended for upon the speech of the distinguished Senator from South Carolina. I speak of what I know. It is true, I may be mistaken; but I do not coincide in that construction, and I believe there are many from the South who do not. Mr. CASS. May I be permitted to say that I must request Senators no longer to interrupt me. I hope I shall be allowed to go on, as my time is short and I will finish what

I have to say in a very few minutes. I am generally quite accommodating, but upon this occasion I must insist that there be no more interruptions. I am not going to dwell upon this point of construction

God knows I have not the slightest wish to misrepresent the opinions or the objects of the Senator. I have only to say that any man who reads the speech must come to the same conclusion, that, in the opinion of the Senator, the dissoluion of the Union, if not altogether, was almost inevitable When I alluded to this subject yesterday, saying that, agreeably to the views of the Senator from South Carolina, if the mendment of the constitution did not take place now, " it would be fatal to the country," the honorable Senator answered "certainly it will in the end." The Senator says expressly, in his speech, the amendment must be made now. Yesterday he explained, and I took his explanation with the greatest pleasure—that he conceives an amendment made, but that he does not conceive it necessary to be done now. That is all I have to say in regard to this matter. What, then, is the avowed object of the Senator from South Carolina ? He says he seeks to establish an equilibrium in this Government. I do not know precisely what is meant by an equilibrium in a Government. I do not know in what way legislation is to be exactly weighed or measured, with reference to the various sections or interests of the country. There has never been such a political expedient human nature. We oppose instinctively all improper assumptions of authority over us, without stopping to inquire of any other; and there never can be. When the Government sumptions of authority over us, without stopping to inquire into the pecuniary value they may affect. No man is willing to have a measure forced upon him. Now, the people seven non-slaveholding States. The majority, therefore, seven non-slaveholding States. The majority, therefore, in this Senate was in proportion then what it is now. of California have been driven by necessity to take this matter into their own hands. They have decided the question of themselves. There is no effence to the pride of the disposition had been felt to oppress the South, it could

the Union. He likewise contended that an amendment to the constitution was indispensable, and his remarks on yesterday seemed to connect the fate of the country with the accomplishment of this object.

Mr. DOWNS. The Senator from Michigan states that the Senator from South Carolina remarked, in his speech, that this amendment was indispensable. Now, I may have misunderstood his words, but certainly I think he only said that it was intended to provide for accomplishment? I believe the constitution was intended to provide for accomplishment? But and the Government in a state of equipoise? What it would become in such a case, while in nominal operation, no man can tell. We can all tell, however, what it would, ere long, die in the affections of the people, as it would be already dead to their interests. Who ever heard or dreamed of such a Government? I believe the constitution was intended to provide for accomplishment. was intended to provide for every interest. But each mus be cultivated and protected as the circumstances of the country

racy in the progress of public affairs.

In the days of Solomon it was said there was nothing new under the sun; but I confess that a perfect equilibrium, for all time and for all interests, be these interests greater o smaller, would be something new. There is a difference opinion respecting the constitutionality of the Wilmot proviso The attempt to enforce it is not the result of any arbitrary lisposition to injure the South, but arises from a belief the the measure is legal and salutary. These differences of conexpects to prepare a written constitution, carrying with i universal concurrence of opinion, in all its constructions, in dulges a chimera as wild as ever presented itself to any man, sleeping or waking. I ask, sir, when did the North seek to injure the South, or when did the South seek to injure the North in the mere wantonness of oppression? This char-tional rivalry I know has been a fruitful theme of among the political parties of the day; but it has no real foundation in the progress of our history. We have gone on, sir, increasing in power, in all the elements of prosperity, with a rapidity unknown among the nations of the earth. The charge, indeed, is not new; it goes back to the days of Mr. Jefferson. When the aggressions of England re-quired counteracting measures to be adopted by this country, non-intercourse and the embargo, and finally war, were resorted to in defence of the rights and the independence of the country. At that time a powerful party in the Eastern States desired to secede from the Union. They said then, as is said hereafter be; and we, as the representatives of the States among them. There was not an argument used then which is not used now; nor a measure proposed which is not now proposed. There are some of us yet here who were living at that period and participated in these events. And the younge generation well know that these facts stand prominently

> cannot be abused. It would be another new thing und sun. We may all suppose cases of extreme oppression, where a State would be justified before the world in resisting the acts of a majority, and in seceding from this Union or fron any other. We can all suppose such a case, but, sufficient unithe day is the evil thereof; and, when that evil day some for themselves and for their posterity. There has generally dom and patriotism are found in both Houses of Congress, as unimpeached probity, the judges have won the respect of their countrymen; and, besides the performance of their judicial functions, they every where exert a salutary influence upon public opinion. It is refreshing to leave these channers of discussion and dissension, and to enter the hall below us, and mark the tranquillity and wisdom with which the high interests of the community are there considered and determined At the last session of that court a sublime moral speciacle

was presented, of which every American may be justly proud of the greatest States of this Union appeared at the bar and made itself a party, asking the court to judge its cause, and to remove certain impediments to the navigation of the Ohio river, which were considered an injury by the Commonwealth of Pennsylvania. Yes, like an individual, that State asked the court to sit in judgment upon the cause, and to direct these impediments to be removed. Who would witness such a spectacle if this Union were dissolved? Differences like this would then be adjusted, not by reason, but by the strong hand. Another similar scene passed in the same place a short time since, when two States, members of this Confederacy, disputing about their boundaries, asked this court to decide line they fixed is now running by commissioners armed only with a slip of paper, and through a country heretofore highly excited by this question, but now calm and satisfied, leaving the surveyors to perform their duty with as much safety as i protected by all the force of the Republic. Such lines elsewhere are run by armies, and marked by the sword. Thus it will be seen that our Government has a mode of settline difficulties-a constitutional mode-that ought to comman

I do not deny that there may be great political cases where this court can have no jurisdiction. When such cases arise, I trust a peaceable remedy will be found for their adjustment When such cases arise, I leave that to time and events. It is one of our national characteristics to neglect our immediate advantages, and to look orward to some great calamity, which is to overtake us afte the lapse of centuries

The Senator from South Carolina (Mr. CALHOUN) has no stated the amendment by which he proposes to secure the equilibrium of the Government. There are, however, two ndications in his speech which leave but little doubt as to the nature of the remedy, though its details must of course be conjectural. He pointed out two difficulties in the operation of the Government which it would be necessary to obviate.

First, that it claimed to use force in order to carry into effec the powers it felt authorized to exercise. Well, sir, what Government exists, or ever existed, which does not use force? Human beings are influenced by hope and fear, (I leave higher considerations out of view in this discussion,) and, as no Government is rich enough to buy obedience, it must compel t by force.

The second difficulty is, that the Government assumes judge of the extent of its own powers. It does so, and neces sarily. And so must every other Government, in a greater of less degree. I do not propose to enter into any argumen upon this point, nor to investigate the course necessary t pursue in the event of collisions of opinion between the Gen eral and State Governments. That must be determined be events as they arise. I merely allude to these topics briefly in order, by ascertaining the evils supposed to exist by the Senator from South Carolins, to ascertain the nature of the remedy he is desirous of applying to them. He is seeking a constitutional remedy, which shall produce an equilibrium by which the rights of every section and of every interest o the country can be preserved from aggression. The South is not the only section which is liable to oppression. There are also the East, the West, and the remote West, which may have the same cause of complaint. And the various interest I have already enumerated may, in like manner, each deman peculiar protection. There is to be some controlling princi ple within the constitution by which its operations may be regulated when these several sections or interests may const their rights assailed or endangered; for I do not suppose nonorable Senator is so local in his views as to propo medy which shall not be applicable, under similar circum stances, to every pertion of the country. And that remedy is an equilibrium, as it is called, which, when translated into English, means a plan by which a sectional minority may at its pleasure, control or suspend the operations of the Go ernment. I have already said, that the general plan is more easily ascertained, than the specific details. Well, sir, such an equilibrium, instead of being a balance wheel, would be s check wheel. It would stop the whole operations of the Government. It would in fact place it under the control of

They have existed since the institution of civil soworld. ciety, and will continue, I suppose, until it is terminated. There are many of them found in Europe, and in other quarters of the world. There is one at St. Petersburgh, anothat Constantinople, and another at Vienna; and these gov ernments take very good care of the rights of the minorty; but do not see the advantage of the plan, for I believe the rights of the majority are very little regarded; at any rate, such is the opinion of the Poles and of the Hungarians, and of many an oppressed people besides. It is all idle, sir, to talk of such a plan. Provide proper checks and limitations for all sections and interests as a just foresight may require. But after this s done by the constitution, the Government agreeably to the will of a majority, unless you choose to enyour rights to a single man and thus establish a despot That, I suppose, is the perfection of a minority govern ment. No intellect, however profound, can give plausibility to such a scheme, or obviate the insuperable difficulties which would present themselves in any political organization thus strangely constituted. The machine would stop by its own

Mr. CASS. Your colleague, the distinguished Sena

Mr. BUTLER. I thought you were reading from an

Mr. CASS. No, sir, from the speech of your colleague He says that this is the most despotic Government on the face of the earth. Well, sir, the representative from Pennsylvania reiterates a similar sentiment, and speaks of this Government as a despotic one. All this shows how often extremes meet in this world, and it is not a little curious that both these gentlemen, in the illustration of their views, refer to the

utocrat of Russia.

We lose all our confidence in the force of language, and in the authority of years and intellect, when such extravagant assertions are presented to us. Is there a man in this broad land who does not know and feel instinctively that he is free? And yet he is told seriously—not in an extemporaneous de-bate, such as we are now engaged in, when no man should be held to a rigid accountability for his expressions, but in a prepared speech, written and printed before its delivery, and laid upon our tables immediately after—and I believe sent through all parts of our country cotemporaneously—we are told, I say, that this is the most despotic Government on the distinguished men of this country—a man who has rendered her important services and occupied high places in her councils for more than one-third of a century—possessing the highest intellect and unspotted integrity, and who has won a world-wide reputation! What will be thought and said of this world-wide reputation! What will be thought and said of this in Europe? In republican Europe? In monarchical Europe? Why, sir, it is on its way to Siberia already. It will be transferred into every paper on the Eastern continent, and even the Siberian will be admonished that he lives under a patern of the siberian will be admonished that he lives under a patern of the siberian will be admonished that he lives under a patern of the siberian will be admonished that he lives under a patern of the siberian will be admonished to the siberia nal Government, far better than that despotic democracy, nick-named the Pattern Republic, on the other shore of the Atlantic, thus characterized by one of its most renowned citizens and highest officers. All this does serious injury to the cause of freedom throughout the world. Out of our own mouths are we condemned. Let an American go to Europe, and if he come back and does not say that this is not the worst Govern-ment on earth; nay—if he does not say it is the best, let his countrymen distrust him. His head or heart is wrong; probably both. Another word and I abandon this topic. Mr. President, I am going to give one proof, one irrefragi ble proof, that will not be contradicted, and which, indeed admits of no contradiction, that this, instead of being the most despotic, is the freest Government in the world. I ask every one in the Senate chamber, actor or auditor, whether,

one in the Senate chamber, actor of auditor, and ander any other Government now in existence, be it constitutional monarchy, an aristocracy, a democracy, a despotism, if such a speech as that we heard for the Senator from South Carolina could be delivered with impunity? That is the question I ask. Go to Europe, to Asia, to Africa, for an answer, if you need one. who should make such an experiment in St. Petersburgh would find himself on the road to Siberia in half an hour. and in Constantinople he would find the bow-string around his neck in the same time. In England it would him to Australia, where many a good man has been trans-ported for language less significant. There is not a country on the face of the earth where a man could make such a speech with impunity. I thank God that this is so, and that a man may say here what he pleases, and as he pleases. He may assail the Government with perfect safety, its principles, its practices, and its tendencies, and there is no one to make him afraid. All this but provokes investigation, and the more our institutions are investigated, the stronger will they become in the hearts of the people, who will continue to love the Government, which has given them a greater measure of prosperity than any other people ever enjoyed, and will support and defend it against all assaults. Such sentiments never struck my ear before in this high place, and I trust I may never hear them again.

There is another subject to which I must allude. Almos at the time the Senator from South Carolina was endeavoring to show how the North had injured and oppressed the South and how the Government, or, rather the majority, had gone on to assume despotic power, almost at that very time a dis-tinguished member from Virginia, in the House of Repre-sentatives, (Mr. Meade,) was placing in singular contras-the authority which the South had gained and exercised over the Government of the country:

"Though we have been in a numerical minority in the Unio for fifty years, yet during the greater part of that period we have managed to control the destinies of the Union. Whether on the battle field or in the council, the sons of the South have taken the lead; and the records of the nation afford ample testimony of their superior energy and genius." Well, sir, put this and this together, and then we see who is

ight. I state the facts. I leave these gentlemen to settle their wn controversy. I do not deny, no man is more ready than I am to acknowledge, the obligations we owe to the South, to Washington, to Jefferson, to Madison, to Monroe, to Jackson, and to the distinguished men the South has sent here to preside over the Executive department of the Government, or to ssist in its operations. They have won imperishable fame for themselves, and imperishable honor for their country.

accord to them the full meed of praise, for I have no sections feeling to interfere with my sense of justice, and I love the South as well as the North or West. I have been so much of wanderer during my life that sectional feeling is absorbed in a general one, and I love my country, and my whole country with equal ardor. Abroad it is the name of American which pires honor and confidence, and not the name of Virginian Pennsylvanian, or any other less eminent in our country. repeat that Southern statesmen when conducting our affairs proof of this is the prosperity we enjoy, and the proud emi-mence we have attained.

I desire to refer to another fact. The distinguised Sens tor from South Carolina speaks of the disastrous effects of the Union upon the material interests of the South, while the Senator from Louisiana (Mr. Downs) endeavored to prove, the other day, that in all the elements of prosperity the South were better off than the North. Let any man who will, reconcile these differences—if he can. It is an effort I shall not mydetake. I think it recons. not undertake. I think it proves to the satisfaction every moderate man that the whole matter is greatly exag gerated, and that expressions are used, and facts assembled together, sometimes indeed in an imposing form, which furnish no justification for the serious conclusions presented to the country. But, sir, instead of depreciating one section the country. But, sir, instead of depreciating one section and exalting another, let us all join together to thank that G d who enabled our fathers to assert their rights, and who, we may humbly hope, will enable their sons, if they are not struck by judicial blindness, to maintain them, and to trans mit them, unimpaired, to their posterity.

Mr. DAVIS, of Mississippi. I understand that the honor. able Senator from Michigan expressed a wish to ask me a guestion.

Mr. CASS. Yes, sir. I wished to ask the honorable Senator from Mississippi if he would vote for the Mis-

Mr. DAVIS, of Mississippi. I will answer the Senate from Michigan with great pleasure. I have stated on several occasions that I would take the Missouri compromise. This I have said elaborately and decidedly, on several occasions, and explained at some length in a recent speech on the reso-lutions of the Senator from Kentucky. I have stated that I considered it as an ultimatum, less than I believed to be the rights of the South, but which I would accept to stop the agi-

tation which now disturbs and endangers the Union Mr. CASS. As I had a conversation with the Senator this subject in the morning, I supposed he understood the precise object I had in view. As this, however, appears not to be the case, I will ask him if he would accept the Mis promise, as it was regulated by the statute providing for the admission of Missouri into the Union?

Mr. DAVIS, of Mississippi. I understood the Senator, a conversation this morning, to make that inquiry. I then told him that I would not. I now answer before the Senate, No. To meet this inquiry, I waited in the Senate chamber, expecting that he would, at the expiration of the morning hour, address the Senate ; but, as he did not, I left here, when hour, address the Senate; but, as he did not, I left here, when the Senator from Illinois was addressing the Senate, to an-swer a summons to see a sick friend. I returned in a few minutes. As I was informed, after the Senator from Michi-gan commenced his address, that he had signified a wish to ask a question of me, it seemed to me proper to remind him, at the close of his remarks, of the wish he had announced. I now answer his question in its modified form. I would not take the terms of the Missouri act, but would accept its spirit if presented in terms applicable to this case. When I spoke of the Missouri compromise, I spoke of it as an arrangement by which the Territory was divided between the slavebolding and the non-slaveholding interests; I spoke in reference to the result, the intent of that compromise, which gave to each a portion. I have always been ready to rebuke that mean spirit that would evade its true meaning by a delusive

adherence to its words.

I would not take the compromise in the terms by which it was applied to the remaining part of the territory acquired under the name of Louisians. I would not take it as applied to Texas when that State was admitted into the Union, beinherent arrange ments. Such minorities would, in fact, become majorities, controlling public affairs at their pleasure.

Mr. President, I will terminate my remarks as speedily as possible, and I trust the Senate will bear with me a little longer. There are one or two circumstances, alluded to by

acquiring by emigration, by enterprise, by adventure, by toil, and labor, equally with others, from the common domain of the Union; if we are to be forbidden to use the commons belonging to the common field of which we are joint owners; if, in addition to all this, we are told that no division can be made, that all of that which we ewn in common must finally become the exclusive property of the other partners—in truth, sir, we are rapidly approaching to that state of things contemplated by the Senator from South Carolina, (Mr. Caroux,) when, without an amendment of the constitution, the rights of the minority will be held at the mercy of the majority. Give us our rights under the constitution—the constitu-tion fairly construed—and we are content to take our chance as our fathers did for the maintenance of position in the Union.
We are content to hold on to the old compact, and, as we believe in the merits of our own institutions, we are willing to trust to the working out of our own salvation. If we are to be excluded, by Congressional legislation, from joint possession on the one hand, and denied every compromise which, by division, would give us a share on the other—neither permitted to an equality of possession as a right, nor a divided occupation as a settlement between proprietors—I ask what is the hope which remains to those who are already in a minority of this confederacy? What do we gain by having a written constitution, if sectional pride or sections having a written constitution, if sectional pride or sectional hate can bend it as passion, or interest, or caprice may dictate? What do we gain by having a Government based upon this written constitution, if, in truth, the rights of the minority are held in abeyance to the will of the majority? And now, I ask the Senator from Michigan a question: Will he not, under the crisis which hangs upon the face of the country—will he not support the Missouri compromise—the spirit of the compromise—for a division of the Territories between the two interests of the country. of the compromise—for a division the two interests of the country?

Mr. CASS. I will answer the Senator. I spoke of the Missouri compromise, which established a line that ran through a country in which slavery existed, and which declared that slavery should be excluded north of that line, and left the country south of it as it found it, to continue slavery or to exclude it, as the people might judge best. I say that my doctrine for the whole territory is non intervention.

Mr. DAVIS, (in his seat.) I prefer that, too.

Mr. CASS. I agree, therefore, with the Senator from Mississippi.

sissippi. I say that this Government has no right to interfere with the institution of slavery in the Territories; and I say, if the South think they have rights there under the constitution, n God's name, let the Supreme Court determine the question No one can object to that.

Mr. DAVIS, (in his seat.) But we cannot get there.

Mr. CASS. I do not know that. I think otherwise. would observe, and the Senate will remember, that the point in issue was the Missouri compromise; and now I understand the Senator from Mississippi would not vote for that measure unless it was accompanied with the declaration that slavery should, or may, or does exist south of the line. Do I under-

Mr. DAVIS, of Mississippi. I have several times had ocasion to explain that point. I will agree to the drawing of the ine 36 deg. 30 min. through the territories acquir Mexico, with this condition, that while slavery is prohibited north of that line, it shall be permitted to enter south of the ine; and that the States which may be admitted into the Union shall come in under such constitutions as they think

Mr. CASS. With respect to the last point I imagine here would be no difference between us. With respect to the other, the proposition is intervention north and non-intervention south of the line, without conferring any rights on the South. It would be of no practical utility whatever to that section of country unless accompanied by some legisla-tive declaration on the subject. I repeat the belief that we the Territories of the United States. It is a matter to be

Mr. DAVIS, of Mississippi. The Senator does not exactly comprehend my meaning. He and I do not differ much as to omprehend my meaning. the powers of Congress over the Territories. The difference between the honorable Senator and myself seems to begin just where he ceases to answer. I say, that if we cannot be permitted to go into these Territories, and test our rights under the law of nature, and before the Supreme Court of the United Sates, shall this agitation continue? shall this sectional strife be unassuaged? Will not the Senator, like myself, come own in this stage of the question, and take less than his own tandard-take the Missouri compromise as adapted to the Territories ?

Mr. CASS. What I would do to save this Union from dissolution, if dissolution were impending over it, and to be averted only by one course of action, it is difficult to say. I

yould do almost any thing.

I desire to advert to another topic, and that is one relating ersonally to myself. I need not remind the Senate that within a short time I have passed through a very severe ordeal for any man. I said, and I said truly, when the Senator from Kentucky remarked, a few days since, he was the best abused man in the country—that he was so with one exception. That exception my modesty prevents me from naming. During that campaign I was silent, and left the falseho which in this country seem to belong to such a contest, to serve out their purpose, and then to die. But when these things are resuscitated and repeated here, or in the other branch of the National Legislature, I choose to defend myself. I am not now in a position which precludes me from the exercise of that right, and I will exercise it in my place when the nature f the assault, or the standing of the assailant, may render this necessary. I owe this duty to my constituents, by whose favor I am here, not less than to myself. A gentleman from North Carolina (Mr. Stanix) said in the House of Representaives a few days since "that Taylor beat Cass, who thanksentaives a new days since "that I aylor beat Cass, who thank-ed God he never owned a slave," &c. I never said this. It is one of the unfounded stories whose functions having been fulfilled, is thus suddenly called from its resting place for some purpose, I know not why. It is an expression I It conveys a meaning I utterly disavow. I do not arraign the motives of the gentleman who has thus ar-raigned me. He had heard the story, and I presume believ ed it. But he should have ascertained the facts before he thus summoned me, not in the heat of an excited contest, but in the cool hours of legislation, to the bar of the House of Representatives, and, in effect, to the bar of the country. The carge, sir, places me in the position of a Pharisee, thank-ing God that I am better than the men of the South, and free m offences which they commit. All this is as contrary to my feelings as to my habits. I cast no reflections upon the buth then or at any other time.

What I said and did I will now state, and if a single Sense.

me. While I was in France it is well known that Great Britain had formed a plan by which she intended to gain the com mand of the seas. There is no secret about this now, and it has been openly avowed. Mer object was, under the pre-text of putting an end to the slave trade, to board our vessels, which would have been followed by the impressment of our seamen and other acts of aggression incident to her naval superiority. My friend Mr. Stevenson was then our representative in London. It is the first and great duty of an American Minister abroad, when the rights of his country are assailed, to assert and defend them. Mr. Stevenson did so in an able and feed on the country are assailed. able and fearless manner, in a correspondence marked with signal ability. During the progress of the controversy the public mind in England became much excited, and there was a strong effort made to connect the continuance of the slave trade with the condition of slavery in our country, as though the former were essential to the latter. All the tirades against

tor on this floor will condemn my course, I will then con-fess that this charge is not as wholly groundless as it appears

slavery we sometimes hear at home were poured out there.

The Senstor from Massachusetts, in his eloquent speech the other day, spoke of a Congressional and an American vocabulary, but I can tell him there is such a thing as an English and a Parliamentary vocabulary, and I have never heard a worse one, when circumstances call it out, on this side beard a worse one, when circumstances call it out, on this side of Billingsgate. Well, sir, my friend Mr. Stevenson received his full share of these choice compliments. What was said? Why, that he was a slaveholder and a slavebreeder, and, therefore, his testimony was discredited and worthless that he was an interested witness, and not to be be believed and all this produced its effect upon the excited temperament of the English people. When it came to my turn to take part in the defence of my country, I explained my views in a pamphlet, from which I will read an extract:

a pamphlet, from which I will read an extract:

"As to the status of slavery itself, it were idle to contend it is illegal by the common consent of mankind. It has existed since the earliest ages of the world, and there is probably no nation, ancient or modern, among whom it has not been known. By some it has been abolished, and where it yet survives we hope its condition has been meliorated. This is certainly true of the United States. A general disposition is gaining ground to improve the situation of this unfortunate class of society. This is felt in the Southern States of the American Confederacy as well as elsewhere, and he who should judge of the treatment of the slaves in that region, by their treatment in the West India colonies, would do the Southern planter egregious injustice.

"We are no slaveholder. We never have been. We never shall be. We deprecate its existence in principle, and pray

shall be. We deprecate its existence in principle, and pray for its abolition every where, where this can be effected justly, and peaceably, and safely for both parties. But we would not

South or of the North. There is no invisions Wilmost proviso to be passed north or south of 36° 30'. There is no
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American slavery while in Europe, and for which I am now condemned in the House of Representatives. Why did I speak thus? For the purpose of showing that I was a disinterested witness, and that my statements were not subject to the suspicions attempted to be cast upon Mr. Stevenson. Here I close my extract and my defence, and leave gentlemen from the South to assail me for my assault upon that section of our common country and its institutions. of our common country and its institutions

of our common country and its institutions.

Mr. FOOTE. I had intended to-day, had I enjoyed a favorable opportunity of doing so, to make a few remarks explanatory of my own attitude in reference to the questions under discussion; but the Senate will perceive that it is too late to do so now. I will state in general terms what I came here prepared to show. I may be in error or not, in regard to the questions referred to; I may be in advance of the South generally, or the reverse, in regard to the measures proper to be adopted at the present crisis; but one thing is certain, that I am perfectly in unison with my own State, as I hope to be always hereafter. Sir, I hold in my hand a document from which I intend to read an extract or two, which I am sure will be listened to with patience and even satisfaction by a majority of this body, and which I am sure will be found far more edifying than any thing which I could originate. It is the opening address of Chief Justice Sharkey, at the late Mississippi Convention, in the proceedings of which originated the grand scheme of the Nashville Convention; and I beg leave simply to say that hereafter I shall rely upon this address and the resolutions adopted by our Convention to prove that I have not said a word here during the last four days, in which I was not justified by matured public sentiment at home, and in which I am not likely to be sustained hereafter by that high-spirited and patriotic constituency whom it is my highest pride to serve and to constituency whom it is my highest pride to serve and to constituency whom it is my highest pride to serve and to constituency whom it is my highest pride to serve and to constituency whom it is my home, and in which I am not likely to be sustained hereafter by that high-spirited and patriotic constituency whom it is my highest pride to serve and to obey. I need not add, sir, that I intend to stand by the position of Mississippi, as asserted in the proceedings of her Convention, now and hereafter, firmly, faithfully, and fearlessly, neither going to the right nor to the left, te please or displease, te gratify or to affront any man or set of men, here or elsewhere.

Mr. Foors then read nearly two columns of extracts from the Adverse of Ludge Survey to Mississippi.

Mr. Footz then read nearly two columns of extracts from the Address of Judge Sharket to the Mississippi Convention, the author of which he culogized as a gentleman, as well in private as political life, of the most elevated character, and then proceeded to reiterate his dissent to the main suggestions contained in Mr. Calbour's speech, and to deny that the Convention of Mississippi meditated disunion. We regret that want of space prevents us from giving his removies antice that want of space prevents us from giving his remarks entire.

Mr. DAYTON next obtained the floor.

Mr. BUTLER. Will my friend from New Jersey (Mr.

DATTON) allow me three minutes, or, at all events, I will not occupy more than five. My friend from Mississippi has misunderstood me in supposing me to have endorsed the position taken by my colleague, (Mr. Calhoun.) Now, sir, with regard to the course which my colleague may think proper to regard to the course which my coneague may think proper to take, it is on his own responsibility. His speech was delibe-rately prepared, and is fairly a subject of parliamentary criti-cism. I do not object to the remarks made on it by the Sena-tor from Michigan. It was thrown before the public, and he tor from Michigan. It was thrown before the public, and he had a right to comment freely on it. It is due, however, to him to say that he is not so well to-day as he was yesterday, or he would have been here, and perhaps, against the advice of his friends, would have attempted a reply. I have no reply to give for him. He, like several others on this floor, is an historical personage; his opinions and his views and his reputation do not depend upon the ephemeral criticisms of the day. He is like the promontory that stands unshaken amidst the waves that wash and beat upon its base, and withstands the storm that swells the boson of the ocean. He is not the man storm that swells the bosom of the ocean. He is not the man tive declaration on the subject. I repeat the belief that we have no authority to say that slavery shall or shall not exist and the history of a lifetime. But I do undertake to say for him this much : that he never has maintained at all that the eft wholly to the people of the country to decide. That is, I think, the true doctrine. I have ever maintained it, and uness I change greatly, I shall abide by it.

Union may not be maintained by a fair and honest adherence to the principles of the Constitution of the United States; and so long as there was a self sustaining power in what he regards an equilibrium between the two sections, there were mutual guaranties. But he has intimated an opinion that mutual guaranties. But he has intimated an opinion that there is no security against the abuse of an irresponsible majority. And when he speaks of this being a despotism like that of Russia, he means nothing more nor less than that where a majority assumes the power to construct the constitution, and use force to maintain their doctrine, without any power to resist or control the majority, it would be an irresponding the literate and purposes. Can any sponsible despotism, to all intents and purposes. Can any one deny it? I do not think that it can be seriously denied. I maintain nothing more. I endorse nothing more. So long as we have our rights within the pale of the constitution, we

I have one explanation to make on the remarks of the Se nator from Michigan (Mr. Cass) which is due to myself. While he was saying he did not know whether the man or the jackass was entitled to the vote. I remarked that certainly the man was voting on the jackass; and on that he undertook to make the commentary that I would vote for the jackass and not the man. Now, all I undertook to say was, that a man was no worse for acquiring property in a jackass than in a horse. I make this explanation, as the gentleman's remarks

may get into the papers.

I shall take another opportunity of expressing my views upon this question more fully, if I can do so without interfer

mr. DAYTON moved to postpone the further consideration of the subject until Wednesday next, at one o'clock, Monday and Tuesday being assigned to other matters. He intimated that he intended to use the opportunity, as the Senator from Michigan had done, to enter into the general question involved in the resolution. tion involved in the resolution.

The motion was agreed to. On motion, the Senate then adjourned.

## WASHINGTON.

"Liberty and Union, now and forever, one and inseparable."

SATURDAY, MARCH 16, 1850.

THE PROPOSED REMEDY FOR "THE EVIL OF THE DAY" EXAMINED.

We do not propose, under this head, to discuss any of the well-advised and well-meant propositions, now depending in Congress, for adjusting questions which have become difficult only under the influence of that agitation, and that artificial excitement, which we have been endeavoring to reason upon with our readers under the general designation of "the Evil of the Day." These propositions are now properly and fairly before Congress, and we will not allow ourselves to doubt that they will be ultimately disposed of there in a manner to redound to the honor and welfare of the

country. The "remedy" which we propose to examine is of course the grand panacea recommended to the People of the South, a year ago, by certain Southern Members of Congress, and first thrown into a definite form by a Convention of the People of the State of Mississippi, proposing the holding of "A Convention of the Slaveholding States" on a certain day, at NASHVILLE, in the State of Tennessee; to which some of the States of the South have responded affirmatively, and others more or less resolutely in the negative.

It will be for every reader to determine for himself, after he and we get through this examination, whether the proposed "remedy," if applied, will not be worse than the disease; and whether, in a word, it will not be more likely to kill the patient than to cure him.

Of the only Convention of States, politically constituted, of which the history of this country furnishes any example, the results at the time, and the reputation it has since enjoyed, have not been such as particularly to recommend it as a pattern for imitation by discontented States. Its odor, if our impression of the matter be correct, is not any more grateful to the senses of the People of the South than of the other quarters of the Union. Indeed we have lately seen scornful allusions to it in public journals which are advocating the